

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA, CARLENE
BECHEN, RONALD BIENDSEIL, RON BOONE, VERA
BOONE, ELVIRA BUMPUS, EVANJELINA
CLEEREMAN, SHEILA COCHRAN, LESLIE W.
DAVIS III, BRETT ECKSTEIN, MAXINE HOUGH,
CLARENCE JOHNSON, RICHARD KRESBACH,
RICHARD LANGE, GLADYS MANZANET,
ROCHELLE MOORE, AMY RISSEEUW, JUDY
ROBSON, GLORIA ROGERS, JEANNE SANCHEZ-
BELL, CECELIA SCHLIEPP, TRAVIS THYSSEN,

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE
and RONALD KIND,

Intervenor-Plaintiffs,

v.

Members of the Wisconsin Government Accountability
Board, each only in his official capacity:
MICHAEL BRENNAN, DAVID DEININGER, GERALD
NICHOL, THOMAS CANE, THOMAS BARLAND, and
TIMOTHY VOCKE, and KEVIN KENNEDY, Director
and General Counsel for the Wisconsin Government
Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR., THOMAS E. PETRI,
PAUL D. RYAN, JR., REID J. RIBBLE,
and SEAN P. DUFFY,

Intervenor-Defendants,

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Civil Action
File No. 11-CV-562

Three-judge panel
28 U.S.C. § 2284

SUPPLEMENTAL DECLARATION OF DR. KENNETH R. MAYER

VOCES DE LA FRONTERA, INC., RAMIRO VARA,
OLGA WARA, JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v.

Case No. 11-CV-1011
JPS-DPW-RMD

Members of the Wisconsin Government Accountability
Board, each only in his official capacity:
MICHAEL BRENNAN, DAVID DEININGER, GERALD
NICHOL, THOMAS CANE, THOMAS BARLAND, and
TIMOTHY VOCKE, and KEVIN KENNEDY, Director
and General Counsel for the Wisconsin Government
Accountability Board,

Defendants.

I, Kenneth R. Mayer, declare, under penalty of perjury and pursuant to 28 U.S.C. § 1746,
that the following is true and correct:

1. I am a Professor of Political Science at the University of Wisconsin—Madison,
and a faculty affiliate at the LaFollette School of Public Affairs, at the University. I joined the
faculty in 1989. I teach courses on American politics, the presidency, Congress, campaign
finance, election law, and electoral systems.

2. I have been asked by counsel representing the plaintiffs in this lawsuit to provide
expert opinions in the above-captioned case. I submitted an expert report on December 14, 2011,
and a rebuttal report on January 13, 2012. I testified at the trial in this matter on February 23 and
24, 2012.

3. On March 27, 2012, counsel for the plaintiffs asked me to develop proposed
configurations for Assembly Districts 8 and 9 that were directly responsive to the Court's

rulings. Plaintiffs selected one of these options, with input from members of Milwaukee's Latino community, to be submitted to the Court as their proposed remedy.

4. The proposed configuration for Assembly Districts 8 and 9 was submitted as Exhibit A to my April 3, 2012 declaration.

5. The proposals in the Department of Justice's brief are not intellectually honest nor do they do not result in one majority-minority Latino Assembly District and one district the Latino community would have a chance of winning in the next decade. The Department uses the incorrect non-citizenship rate, 35.75 percent, used by their expert witnesses in their reports and at trial, to calculate Hispanic-American citizen voting age population ("HCVAP"). This results in a higher rate of HCVAP than warranted and an inaccurate measurement of voter strength.

6. As I noted in my previous declaration, expert reports and at trial, the 35.75 percent non-citizenship rate is from the one-year 2008 American Community Survey ("ACS") for the State of Wisconsin. The correct non-citizenship rate to calculate HCVAP, derived from the five-year (2006-2010) ACS data for the City of Milwaukee, is 42 percent.

7. As I testified at trial, the five-year ACS data is universally considered to produce better estimates than the ACS's annual surveys because you have five times as much data.

8. Using the correct non-citizenship rate of 42 percent, the corrected HCVAP numbers and percentages for the Department of Justice's proposed maps are summarized in Tables 1 and 2 below. These figures are also adjusted for the non-Hispanic Citizen Voting Age Population to reflect a small, but nonzero, non-citizenship rate.

TABLE 1 (DOJ MAP 1)

Assembly District	Voting Age Population	Hispanic Voting Age Population	Non-Hispanic voting Age Population	Hispanic Citizen Voting Age Population	Non -Hispanic Citizen Voting Age Population	Hispanic Share of Citizen Voting Age Population (HCVAP)
AD 8	37,958	23,596	14,362	13,685	14,147	49.17%
AD 9	38,681	20279	18,402	11,762	18,126	39.36%

TABLE 2 (DOJ MAP 2)

Assembly District	Voting Age Population	Hispanic Voting Age Population	Non-Hispanic voting Age Population	Hispanic Citizen Voting Age Population	Non -Hispanic Citizen Voting Age Population	Hispanic Share of Citizen Voting Age Population (HCVAP)
AD 8	37,277	24,425	12,852	14,167	12,659	52.81%
AD 9	39,362	19,450	19,912	11,281	19,613	36.51%

9. The corrected data in Table 1 demonstrate that Map 1 does not even contain a simple majority of Hispanic voting age citizens. The HCVAP for the Department's Map 1 is 49.17 percent.

10. The corrected data in Table 2 demonstrate that Map 2 has a HCVAP that is 52.81 percent, 2.19 percentage points below the Department's proffered calculated HCVAP of 55 percent, and 2.41 percentage points less than the plaintiffs' proposed HCVAP for Assembly District 8 of 55.22 percent.

11. Both maps proposed by the Department of Justice continue to include areas of non-Latino high voter turnout and low Hispanic Voting Age populations. In Map 1, the southeast corner of Assembly District 8 consists of areas corresponding to Wards 242, 243, 244, and 248 (referring to the predecessor wards). None of these areas was part of the 2002 Assembly District 8. These areas had the following Hispanic Citizen Voting Age concentrations and 2008 Presidential election turnout:

2002 Ward	Hispanic Citizen Voting Age %, 2010 Census	2008 Presidential Election Turnout
242	22.07%	57.0%
243	43.38%	42.6%
244	49.15%	37.3%
248	32.93%	48.4%

12. As demonstrated in trial exhibits 199 and 202, these are all areas in which Pedro Colon lost to Grant Langley in the 2008 election for Milwaukee City Attorney.

13. The turnout and Hispanic concentrations in these areas, as well as the lack of a simple numeric majority of eligible voting age Hispanics in Map 1's Assembly District 8 (and a bare majority in Map 2), significantly increase the probability that the Latino community will be unable to elect a candidate of choice. In this respect, the Department's proposals for Assembly District 8 are scarcely better than Act 43's Assembly District 8.

14. The Department's proposed Map 2 includes Ward 242 (the boot-shaped area in the southeast corner of the Assembly District 8 bounded by Morgan Street), and continues to push south of the predecessor Assembly District 8 into new areas of markedly lower Hispanic concentrations, thus diluting their voting strength.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 5, 2012.

s/ Kenneth R. Mayer

Kenneth R. Mayer

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